

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAFAEL VAZQUEZ,
Plaintiff,

v.

C.O. C. DAVIS,
Defendant.

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CIVIL ACTION NO. 24-CV-6450

ORDER

AND NOW, this 24th day of April, 2025, upon consideration of Rafael Vazquez's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 9), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Rafael Vazquez, #QP-7094, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Fayette or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Davis's inmate account; or (b) the average monthly balance in Davis's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Davis's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Davis's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

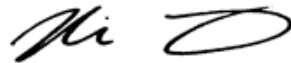
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Fayette.

4. The Complaint is **DEEMED** filed.

5. Davis's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Mi D', is positioned above a horizontal line.

HON. MIA R. PEREZ